

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARTIN J. WALSH, Secretary of Labor, United States	:	22-CV-4054 (ARR) (JST)
Department of Labor,	:	
	:	<u>NOT FOR ELECTRONIC</u>
<i>Plaintiff,</i>	:	<u>OR PRINT PUBLICATION</u>
	:	
-against-	:	
	:	<b>PRELIMINARY</b>
CARIBBEAN ISLAND RESTAURANT & BAR, LLC, and	:	<b>INJUNCTION ORDER</b>
BIBI ZALENA BETHUNE, Individually,	:	
	X	
<i>Defendants.</i>		
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ROSS, United States District Judge:

WHEREAS, Plaintiff, the Secretary of Labor, Martin J. Walsh, having moved *ex parte* on July 12, 2022, for a temporary restraining order enjoining defendants, Caribbean Island Restaurant & Bar, LLC and Bibi Zalena Bethune, from any further use of oppressive child labor and interference with the Secretary's investigation in violation of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* ("FLSA");

WHEREAS, I entered an Order granting plaintiff's application on July 13, 2022 (the "TRO") and instructed defendants to show cause by July 18, 2022, why the TRO should not be converted to a preliminary injunction;

WHEREAS, on July 15, 2022, pursuant to the terms of the TRO, plaintiff served defendants with the Summons, Complaint, TRO, and all papers filed in support of plaintiff's application seeking the TRO;

WHEREAS, I entered another Order on July 22, 2022, directing defendants to show cause by July 25, 2022, why the TRO should not be converted to a preliminary injunction;

WHEREAS, defendants have failed to show cause why the TRO should not be converted to a preliminary injunction.

### ORDER

For the reasons set forth in the TRO, the injunctive relief previously granted in the TRO shall remain in place through the pendency of this litigation, and issuing this Preliminary Injunction Order (hereinafter, "PI Order") is warranted under Federal Rule of Civil Procedure 65.

Pursuant to this PI Order, the defendants and their agents, and all those in active concert and participation with them, are restrained as follows, pending the final hearing and determination of this action or until further order of the Court:

1. Defendants and their agents are enjoined from violating Sections 12(c) and 15(a)(4) of the Fair Labor Standards Act by employing oppressive child labor as defined in Section 3(l) of the FLSA;
2. Defendants and their agents are further enjoined from employing oppressive child labor, including by suffering or permitting to work any person under the age of 16 years after 9 p.m. between June 1 and Labor Day, and after 7 p.m. during non-summer months;
3. Defendants and their agents are enjoined from refusing to provide information to the Department of Labor to aid in its investigation;
4. Defendants and their agents are enjoined from instructing employees not to speak to the Department of Labor, or otherwise preventing employees from cooperating with the Department of Labor;
5. Defendants shall permit representatives of the Secretary to read aloud in English, Spanish, and any other language understood by the majority of Defendants' employees, during employees' paid working hours and in the presence of Defendant Bibi Zalena Bethune, the following statement to all employees employed at Caribbean Island Restaurant & Bar, LLC:

**You are protected by the Fair Labor Standards Act and have the right to participate freely in the U.S. Department of Labor's investigation and litigation. You have the right to speak freely with investigators, attorneys, or other officials from the Department of Labor. It is illegal for your employer to instruct you not to speak with the Department of Labor or to prevent you from doing so.**

**The U.S. District Court for the Eastern District of New York has ordered Caribbean Island Restaurant & Bar, LLC, Bibi Zalena Bethune, and anyone acting on their behalf to cease preventing employees from providing information to the Department of Labor.**

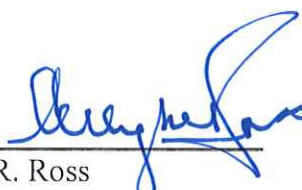
6. Defendants shall post the above statement in English and any other language understood by the majority of Defendants' employees, with contact information for representatives of the Secretary in a conspicuous location at Caribbean Island Restaurant & Bar, LLC, and permit the Secretary to provide each employee with the same.

Plaintiff is instructed to serve this PI Order on defendants forthwith via all available means, including electronic means, personal service, and service on defendants' attorney, if any. Proof of service of this PI Order is to be filed with the Clerk of Court no later than July 29, 2022.

Defendants are hereby given notice that they may be deemed to have actual notice of the terms of this PI Order and any act by them may be considered and prosecuted as contempt of this Court.

The defendants may appear and move to dissolve or modify the PI Order on two days' notice to plaintiff or on shorter notice as set by the Court.

SO ORDERED.

/s/   
Allyne R. Ross  
United States District Judge

Dated: July 27, 2022 at 11:00 a.m.  
Brooklyn, New York